

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NKEM ECHEM,)	
)	
Petitioner)	
)	Civil Action No.
v.)	05cv10245-JLT
)	
JOHN ASHCROFT, ATTORNEY GENERAL,)	
)	
Respondent ¹)	

MOTION TO DISMISS

Respondent moves to dismiss this action pursuant to Fed. R. Civ. P. Rules 12(b)(1) and (6) for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: s/Frank Crowley
FRANK CROWLEY
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¹ The responsive official of the Department of Homeland Security responsible for enforcement of petitioner's removal order in the instant action is Bruce Chadbourne, Field Office Director for Detention and Removal, Department of Homeland Security, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts. See 28 U.S.C. § 517 (providing for the appearance of the Department of Justice "to attend to the interests of the United States in a suit pending in a court of the United States").

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon counsel for petitioner by mail on March 7, 2005.

s/Frank Crowley

FRANK CROWLEY

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